

AMENDMENTS TO LB 247

(Amendments to AM1221)

Introduced by Johnson, 37

1           1. Strike section 8 and insert the following new  
2 sections:

3           Sec. 36. Section 187, Legislative Bill 463, One Hundredth  
4 Legislature, First Session, 2007, is amended to read:

5           Sec. 187. Sections 187 to 212 of this act and section 39  
6 of this act shall be known and may be cited as the Audiology and  
7 Speech-Language Pathology Practice Act.

8           Sec. 37. Section 71-1,186, Reissue Revised Statutes of  
9 Nebraska, as amended by section 6, Legislative Bill 247, One  
10 Hundredth Legislature, First Session, 2007, and section 188,  
11 Legislative Bill 463, One Hundredth Legislature, First Session,  
12 2007, is amended to read:

13           ~~71-1,186~~ For purposes of the Audiology and  
14 Speech-Language Pathology Practice Act and elsewhere in the Uniform  
15 Credentialing Act, unless the context otherwise requires, the  
16 definitions found in sections 189 to 194 of this act and section 39  
17 of this act apply.

18           Sec. 38. Section 191, Legislative Bill 463, One Hundredth  
19 Legislature, First Session, 2007, is amended to read:

20           Sec. 191. ~~Communication assistant~~ Audiology or  
21 speech-language pathology assistant or any individual who presents  
22 himself or herself to the public by any title or description

1 with the same duties means any person who, following specified  
2 training and receiving specified supervision, provides specified  
3 limited structured communication or swallowing services, which are  
4 developed and supervised by a licensed audiologist or licensed  
5 speech-language pathologist, in the areas in which the supervisor  
6 holds licenses.

7 Sec. 39. Dysphagia means disorders of swallowing.

8 Sec. 40. Section 192, Legislative Bill 463, One Hundredth  
9 Legislature, First Session, 2007, is amended to read:

10 Sec. 192. Practice of audiology means the application of  
11 principles, methods, and procedures for testing, measuring, and  
12 monitoring hearing, preparation of ear impressions and selection  
13 of hearing aids, aural rehabilitation, hearing conservation,  
14 vestibular testing of patients when vestibular testing is done as  
15 a result of a referral by a physician, and instruction related to  
16 hearing and disorders of hearing for the purpose of preventing,  
17 identifying, evaluating, and minimizing the effects of such  
18 disorders and conditions but shall not include the practice of  
19 medical diagnosis, medical treatment, or surgery. evidence-based  
20 practice in clinical decisionmaking for the prevention, assessment,  
21 habilitation, rehabilitation, and maintenance of persons with  
22 hearing, auditory function, and vestibular function impairments  
23 and related impairments, including (1) cerumen removal from the  
24 cartilaginous outer one-third portion of the external auditory  
25 canal when the presence of cerumen may affect the accuracy  
26 of hearing evaluations or impressions of the ear canal for  
27 amplification devices and (2) evaluation, selection, fitting, and

1 dispensing of hearing aids, external processors of implantable  
2 hearing aids, and assistive technology devices as part of a  
3 comprehensive audiological rehabilitation program. Practice of  
4 audiology does not include the practice of medical diagnosis,  
5 medical treatment, or surgery.

6           Sec. 41. Section 193, Legislative Bill 463, One Hundredth  
7 Legislature, First Session, 2007, is amended to read:

8           Sec. 193. Practice of speech-language pathology means  
9 the application of principles, and methods, associated with  
10 and procedures for the evaluation, monitoring, instruction,  
11 habilitation, or rehabilitation related to the development and  
12 disorders of speech, voice, or language for the purpose of  
13 preventing, identifying, evaluating, and minimizing the effects  
14 of such disorders and conditions but does not include the  
15 practice of medical diagnosis, medical treatment, or surgery.  
16 human communication skills and with dysphagia, which principles  
17 and methods include screening, assessment, evaluation, treatment,  
18 prevention, consultation, and restorative modalities for speech,  
19 voice, language, language-based learning, hearing, swallowing, or  
20 other upper aerodigestive functions for the purpose of improving  
21 quality of life by reducing impairments of body functions and  
22 structures, activity limitations, participation restrictions, and  
23 environmental barriers. Practice of speech-language pathology does  
24 not include the practice of medical diagnosis, medical treatment,  
25 or surgery.

26           Sec. 42. Section 71-1,195.09, Reissue Revised Statutes  
27 of Nebraska, as amended by section 16, Legislative Bill 247,

1 One Hundredth Legislature, First Session, 2007, and section 211,  
2 Legislative Bill 463, One Hundredth Legislature, First Session,  
3 2007, is amended to read:

4 ~~71-1,195-09~~ The supervising audiologist or  
5 speech-language pathologist shall provide annual reports to the  
6 department verifying that evaluation, supervision, and training  
7 required by section ~~71-1,195-08~~ 210 of Legislative Bill 463, One  
8 Hundredth Legislature, First Session, 2007, has been completed.  
9 The audiologist or speech-language pathologist shall keep accurate  
10 records of such evaluation, supervision, and training.

11 Sec. 43. Section 720, Legislative Bill 463, One Hundredth  
12 Legislature, First Session, 2007, is amended to read:

13 Sec. 720. Sections 720 to 756 of this act and sections 18  
14 and 21 of this act shall be known and may be cited as the Mental  
15 Health Practice Act.

16 Sec. 44. Section 71-4702, Reissue Revised Statutes of  
17 Nebraska, as amended by section 30, Legislative Bill 247, One  
18 Hundredth Legislature, First Session, 2007, and section 573,  
19 Legislative Bill 463, One Hundredth Legislature, First Session,  
20 2007, is amended to read:

21 ~~71-4702~~ (1) No person shall engage in the sale of or  
22 practice of fitting hearing aids or display a sign or in any other  
23 way advertise or represent himself or herself as a person who  
24 practices the fitting and sale or dispensing of hearing aids unless  
25 he or she holds an unsuspended, unrevoked license issued by the  
26 department as provided in the Hearing Aid Instrument Dispensers and  
27 Fitters Practice Act. A license shall confer upon the holder the

1 right to select, fit, and sell hearing aids.

2 (2) A licensed audiologist who maintains a practice  
3 pursuant to licensure as an audiologist in which hearing aids are  
4 regularly dispensed or who intends to maintain such a practice  
5 shall also be licensed pursuant to subsection (4) of section  
6 71-4707. 576 of Legislative Bill 463, One Hundredth Legislature,  
7 First Session, 2007, as amended by section 45 of this legislative  
8 bill.

9 (3) Nothing in the act shall prohibit a corporation,  
10 partnership, limited liability company, trust, association, or  
11 other like organization maintaining an established business address  
12 from engaging in the business of selling or offering for sale  
13 hearing aids at retail without a license if it employs only  
14 properly licensed natural persons in the direct sale and fitting of  
15 such products.

16 (4) Nothing in the act shall prohibit the holder of  
17 a license from the fitting and sale of wearable instruments or  
18 devices designed for or offered for the purpose of conservation or  
19 protection of hearing.

20 Sec. 45. Section 71-4707, Reissue Revised Statutes of  
21 Nebraska, as amended by section 576, Legislative Bill 463, One  
22 Hundredth Legislature, First Session, 2007, is amended to read:

23 ~~71-4707~~ (1) Any person may obtain a license under the  
24 Hearing Aid Instrument Dispensers and Fitters Practice Act by  
25 successfully passing a qualifying examination if the applicant:

26 (a) Is at least twenty-one years of age; and

27 (b) Has an education equivalent to a four-year course in

1 an accredited high school.

2 (2) The qualifying examination shall consist of written  
3 and practical tests. The examination shall not be conducted in  
4 such a manner that college training is required in order to  
5 pass. Nothing in this examination shall imply that the applicant  
6 is required to possess the degree of medical competence normally  
7 expected of physicians.

8 (3) The department shall give examinations approved by  
9 the board. A minimum of two examinations shall be offered each  
10 calendar year.

11 (4) The department shall issue a license without  
12 examination to a licensed audiologist who maintains a practice  
13 pursuant to licensure as an audiologist in which hearing aids are  
14 regularly dispensed or who intends to maintain such a practice upon  
15 application to the department, proof of licensure, and payment of a  
16 twenty-five-dollar fee.

17 Sec. 46. Sections 36, 37, 38, 39, 40, 41, 42, 43, 44,  
18 45, 48, and 50 of this act become operative on December 1, 2008.  
19 The other sections of this act become operative on their effective  
20 date.

21 Sec. 48. Original section 71-1,186, Reissue Revised  
22 Statutes of Nebraska, as amended by section 6, Legislative  
23 Bill 247, One Hundredth Legislature, First Session, 2007, and  
24 section 188, Legislative Bill 463, One Hundredth Legislature,  
25 First Session, 2007; section 71-1,195.09, Reissue Revised Statutes  
26 of Nebraska, as amended by section 16, Legislative Bill 247,  
27 One Hundredth Legislature, First Session, 2007, and section 211,

1 Legislative Bill 463, One Hundredth Legislature, First Session,  
2 2007; section 71-4702, Reissue Revised Statutes of Nebraska,  
3 as amended by section 30, Legislative Bill 247, One Hundredth  
4 Legislature, First Session, 2007, and section 573, Legislative  
5 Bill 463, One Hundredth Legislature, First Session, 2007; section  
6 71-4707, Reissue Revised Statutes of Nebraska, as amended by  
7 section 576, Legislative Bill 463, One Hundredth Legislature,  
8 First Session, 2007; and sections 187, 191, 192, 193, and 720,  
9 Legislative Bill 463, One Hundredth Legislature, First Session,  
10 2007, are repealed.

11           Sec. 50. The following sections are outright repealed:  
12 Sections 71-1,195.03, 71-1,315, 71-1,316, 71-1,333, and 71-1,338,  
13 Reissue Revised Statutes of Nebraska, as amended by sections  
14 10, 22, 23, 24, and 28, respectively, Legislative Bill 247, One  
15 Hundredth Legislature, First Session, 2007.

16           2. On page 27, line 7, strike "71-1,190,".

17           3. Renumber the remaining sections accordingly.